



it would be inappropriate to resolve the issue at this early stage. Thus, Defendant's Motion to Dismiss is DENIED WITHOUT PREJUDICE, such that Defendant may reassert their arguments following discovery in a motion for summary judgment.


IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. No. 8) is DENIED WITHOUT PREJUDICE. In light of this ruling, Defendant's Motion to Supplement (Doc. No. 11) is DENIED AS MOOT. As with the ruling on the motion to dismiss, denial of the motion to supplement the motion to dismiss is without prejudice to Defendant's ability to include any relevant argument in a subsequent motion for summary judgment.

IT IS FURTHER ORDERED that in light of this ruling, Plaintiff, who appears pro se, is permitted to participate in the Pro Se Settlement Assistance Program for the Western District of North Carolina. This program provides civil pro se litigants with limited advice and representation at mediated settlement conferences. More information regarding the program can be found on the Court's website <http://www.ncwd.uscourts.gov/pro-se-settlement-assistance-program>.

The Court finds that the parties in this case should be given the opportunity to participate in the program. Accordingly, the CLERK OF COURT shall send the pro se Plaintiff a Notice of Availability of the Settlement Assistance Program; and Plaintiff shall have fourteen (14) days to return the completed Notice form to the Clerk of Court in Charlotte. Should Plaintiff not choose to opt in to the Program, the parties should proceed under the Federal Rules of Civil Procedure in conducting a Rule 26(f) conference and submitting the appropriate report.

IT IS SO ORDERED.

Signed: October 31, 2017

  
Frank D. Whitney  
Chief United States District Judge

